

**HOUSE . . . . . No. 4730****The Commonwealth of Massachusetts**

PRESENTED BY:

**William Smitty Pignatelli**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act restricting use and connection of automatic dialing-announcing devices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William Smitty Pignatelli	4th Berkshire
Stephen Kulik	1st Franklin
Ronald Mariano	3rd Norfolk
Richard T. Moore	Worcester and Norfolk
Michael R. Knapik	Second Hampden and Hampshire
Colleen M. Garry	36th Middlesex
Steven A. Baddour	First Essex
Benjamin B. Downing	Berkshire, Hampshire and Franklin
Louis L. Kafka	8th Norfolk
John V. Fernandes	10th Worcester
Daniel E. Bosley	1st Berkshire
George N. Peterson, Jr.	9th Worcester
Christopher N. Speranzo	3rd Berkshire
Susan C. Tucker	Second Essex and Middlesex
Denis E. Guyer	2nd Berkshire
Donald F. Humason, Jr.	4th Hampden
Stephen J. Buoniconti	Hampden
Alice Hanlon Peisch	14th Norfolk
Todd M. Smola	1st Hampden

Harriett L. Stanley	2nd Essex
James Dwyer	30th Middlesex
Brian M. Ashe	2nd Hampden
Anne M. Gobi	5th Worcester
Paul Kujawski	8th Worcester
Geraldo Alicea	6th Worcester
Jay R. Kaufman	15th Middlesex
Jennifer Benson	37th Middlesex
Allen J. McCarthy	7th Plymouth
John W. Scibak	2nd Hampshire
Angelo J. Puppolo, Jr.	12th Hampden
David P. Linsky	5th Middlesex
Alice K. Wolf	25th Middlesex
Pam Richardson	6th Middlesex
Kay Khan	11th Middlesex
Sarah K. Peake	4th Barnstable
Susan Williams Gifford	2nd Plymouth
James Cantwell	4th Plymouth
Peter V. Kocot	1st Hampshire
Christopher J. Donelan	2nd Franklin
Thomas P. Conroy	13th Middlesex
Lewis G. Evangelidis	1st Worcester
Timothy J. Toomey, Jr.	26th Middlesex
Rosemary Sandlin	3rd Hampden
James J. O'Day	14th Worcester District
Stephen L. DiNatale	3rd Worcester
Timothy Madden	Barnstable, Dukes and Nantucket
William C. Galvin	6th Norfolk
Ann-Margaret Ferrante	5th Essex
Ellen Story	3rd Hampshire

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act restricting use and connection of automatic dialing-announcing devices.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

The General Laws are hereby amended by inserting, after chapter 159C, the following chapter:- Chapter 159D.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Automatic dialing-announcing device”, a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

“Caller”, a person, corporation, firm, partnership, association, or legal or commercial entity who attempts to contact, or who contacts, a subscriber in the commonwealth by using a telephone or telephone line.

“Message”, any call, regardless of its content.

“Office”, the office of consumer affairs and business regulation.

“Subscriber”, a person who has subscribed to telephone service from a telephone company or any other person living or residing with the subscribing person.

Section 2. (a) A caller shall not use or connect to a telephone line an automatic-dialing device unless: (1) the subscriber has knowingly or voluntarily requested, consented to, permitted or authorized receipt of the message; or (2) the message is immediately preceded by a live operator who obtains the subscriber’s consent before the message is delivered.

(b) This chapter shall not apply to: (1) messages from school districts to students, parents or employees; (2) messages to subscribers with whom the caller has maintained or had a

business relationship within the prior 24 months; (3) messages advising employees of work schedules; (4) messages on behalf of correctional facilities advising victims; or (5) messages on behalf of municipalities and government.

Section 3. A caller shall not use an automatic dialing-announcing device unless the device is designed and operated so as to disconnect within 10 seconds after termination of the telephone call by the subscriber.

Section 4. Where the message is immediately preceded by a live operator, the operator must, within the first minute, disclose:

- (a) The name of the business, firm, organization, association, partnership or entity on whose behalf the message is being communicated;
- (b) The purpose of the message
- (c) The identity or kind of goods or services the message is promoting; and
- (d) If applicable, the fact that the message intends to solicit payment or commitment of funds.
- (e) The approximate length of the call.

Section 5. A caller shall not use an automatic dialing-announcing device to call a subscriber between the hours of 8:00PM and 8:00AM, local time at the subscriber's location.

Section 6. The office shall establish and maintain a no automatic dialing-announcing device message list of subscribers who do not wish to receive automatic dialing-announcing device messages. The office may contract with a private vendor to establish and maintain such listing provided the contract requires the vendor to provide the no automatic dialing-announcing device message listing in a printed hard copy format and any other format offered at a cost that does not exceed the production cost of the format offered. The office shall provide notice to subscribers of the establishment of a no automatic dialing-announcing device message listing. A subscriber who wishes to be included on the listing shall notify the office by calling a toll-free number provided by the office, or in such manner and at such times as the office may prescribe, which may include electronic notification. The office shall update such listing not less than quarterly and shall make such listing available to automatic dialing-announcing device providers and other persons for a fee as the office shall prescribe.

Section 7. Any caller who is found to have violated any provision of this chapter is subject to the penalties and remedies provided in sections 8-13 of chapter 159C.

Section 8. The office shall establish an advisory group comprise of government entities, local telecommunications companies, local automatic dialing-announcing device providers, businesses, senior citizens and other community advocates to compile and promote a list of educational literature to help subscribers understand their options with regard to automatic dialing-announcing device calls. The office shall work with local telecommunication companies to disseminate to their residential subscribers information about the availability of and instructions on how to request educational literature from the office. The office shall include on

59 its internet website information that informs subscribers of their rights to be placed on the no  
60 automatic dialing-announcing device messages listing and the various methods, including notice  
61 to the office, of placing their names on the no automatic dialing-announcing message listing.

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